

STAND. COM. REP. NO.

3749

Honolulu, Hawaii

JUL 02 2020

RE: H.B. No. 2054  
H.D. 1  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2054, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit an employer from:

- (1) Requiring an employee to enter into, as a condition of employment, a nondisclosure agreement that prevents the employee from disclosing or discussing sexual harassment or sexual assault occurring in the workplace, at work-related events, between employees, or between an employer and an employee; and
- (2) Retaliating against an employee for disclosing or discussing sexual harassment or sexual assault.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, Hawaiian Affairs Caucus of the Democratic Party of Hawai'i, LGBT Caucus of the Democratic Party of Hawai'i, Harm Reduction Hawaii, Pride at Work - Hawaii, Planned Parenthood Votes Northwest and Hawaii, American Association of University Women of Hawaii, Hawaii Women's Coalition, Hawai'i Women Lawyers, and nine individuals.



Your Committee finds that nondisclosure agreements that prevent disclosure of sexual assault and sexual harassment as a condition of employment silence victims of sexual harassment, sometimes allowing harassers to continue sexual harassment of other employees. There is also a concern that nondisclosure agreements enable repeat offenders to engage in a pattern of sexual harassment. Your Committee further finds that many victims of sexual assault and harassment do not report it because of fear of retaliation. This measure will help end the silencing of victims by banning nondisclosure agreements that prevent disclosure of sexual assault and harassment and prohibiting employers from retaliating against an employee for disclosing sexual harassment and assault.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2054, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,




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KARL RHOADS, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2054 HD1 SD1	LCA, JDC	06/30/2020		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input checked="" type="checkbox"/> Pass, unamended 2312	<input type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
GABBARD, Mike	/			
KIM, Donna Mercado	/			
FEVELLA, Kurt	/			
<b>TOTAL</b>	5			
Recommendation:				
<input checked="" type="checkbox"/> Adopted <span style="margin-left: 200px;"><input type="checkbox"/> Not Adopted</span>				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

\*Only one measure per Record of Votes